

The Morning Astorian.

ASTORIA, OREGON, WEDNESDAY, NOVEMBER 30, 1904.

NUMBER 48.

TESTIMONY NOT AT ALL STARTLING

Commissioner Richards of the General Land Office Appears in the Land Fraud Case Now On.

Says Hermann Helped Puter and Mrs. Watson Secure Patents to Property.

LINE OF DEFENSE NOT KNOWN

Attorneys Have Given No Intimation of Probable Course They Will Pursue—Government's Case About Concluded.

Portland, Nov. 29.—The testimony of Commissioner Richards of the general land office, which, it was currently reported, would be sensational, proved the very reverse today in the trial of the land fraud case. Governor Richards testified to detailing Loomis and Ormsby as two special agents to investigate the habitations and improvements in the "11-7" district. This was testimony not brought out in Congressman Hermann's evidence.

Richards further testified that during March, 1902, Hermann called him into his office. Senator Mitchell was present. Hermann handed Richards a pile of documents, with 15 homestead entries, and directed him to examine them and see whether or not there was any reason why the patents should not be issued. At a later date, Mitchell, in company with Puter and a woman whom the commissioner identified as Mrs. Watson, visited the office with reference to the issuance of the patents. Mitchell said Puter was a reliable man and that Richards could depend upon what Puter told him. Puter said the woman with him bought the claims at Puter's advice, and for that reason Puter was interested in seeing the matter expedited.

It has been claimed by the government that the documents referring to the 12 homestead entries included alleged forged affidavits and applications, and the trip to Washington and the anxiety to have the patents issued further supports the contention of conspiracy.

Wells A. Bell, land commissioner at Prineville, testified that he saw Mrs. Watson sign the name Emma J. Porter in the presence of S. A. D. Puter.

Perhaps the most important testimony of the day was that of W. A. Holt, assistant cashier of the Wells Fargo bank in this city. Holt identified the writing of Puter in the homestead entries, and on the papers found in the Chicago hotel where Mrs. Watson was arrested. He also identified the signature of Emma Porter as being the handwriting of Emma L. Watson.

If the plans of the government materialize, it will rest its case tomorrow. Now that the government's side is almost concluded, much conjecture has arisen as to what the nature of the defense will be. Thus far the attorneys for the defense have not indicated in any manner what their course will be.

HISTORY OF THE CASE.

Story Culminating in Prosecution of Alleged Swindlers.

Portland Journal: Persons unfamiliar with the methods of the conspirators who have systematically robbed the government of its lands in Oregon, frequently ask why Puter, McKinley and their co-defendants, now on trial in the federal court, should have desired to acquire title to the uninhabitable, mountainous wastes covered by their pretended homesteads in township 11-7.

The explanation is afforded by the evidence now being developed by the government. Township 11-7 is within the limits of the Cascade forest reserve, which was created by proclamation of the president, September 28, 1893. All vacant non-mineral government lands within the limits of the reserve were thereupon withdrawn from

settlement. But under the so-called "scripper law" any person who, prior to the creation of the reserve, had settled upon lands afterward included within the reserve, may, if he so desires, relinquish his land to the government and may select other land in lieu thereof. Settlers are allowed a reasonable time limit within which to complete their titles, just as if no reserve had been created. When a settler relinquishes his land in this manner, scrip is issued to him by the government, good for an equal amount of vacant government land anywhere else.

The evidence already given in the land fraud cases shows that some seven years after the creation of the Cascade forest reserve 19 homestead applications were filed in the Oregon City land office, for claims lying in township 11-7. The lands covered by these claims were intrinsically worthless, and they were only desirable as "base"—i. e., as a means for acquiring scrip. As scrip was then selling at about \$5 an acre, the 19 claims were worth as base between \$15,000 and \$100,000.

It is the contention of the government that all of these 19 homestead claims were fictitious and fraudulent, that no actual settlement was ever made upon any of them, and the sole object of the pretended settlers was to use the claims as base. Proof has been made that patents were issued upon the claims, that the lands were then relinquished to the government and that other lands were selected in lieu of them.

Although the lands embraced in the fraudulent homestead claims were of no intrinsic value, they were worth as base \$5 an acre.

The operations of Puter and his confederates were of course not confined to township 11-7, and the claims which they acquired there were but a small fraction of the land they are supposed to have illegally obtained by similar methods elsewhere in the forest reserves of the state. This was but one of many townships in which they operated.

GOVERNOR PARDEE ACTIVE.

Doing All He Can to Secure Good Fair Appropriation.

San Francisco, Nov. 29.—Governor Pardee, in his capacity of commissioner of the Lewis and Clark exposition, has addressed a letter to all of the members of the coming legislature regarding a further appropriation for the erection of a California state building there. The last legislature appropriated \$20,000 to make an exhibition at the fair, this being merely preliminary. It is now thought best to make a congressional exhibit for this state, and in order to do this a further appropriation of \$65,000 or \$70,000 is needed in order to erect a suitable building. Governor Pardee, realizing that work on the proposed building must begin immediately, desires to learn the feeling of the legislators on the subject of making a further appropriation before making arrangements. All the members who have been heard from at present are favorable to the added appropriation.

FIGHT FOR MILLIONS.

Appeal of Edna Wallace Hopper Now on at Vancouver.

Vancouver, B. C., Nov. 29.—The suit of Edna Wallace Hopper came up on appeal today in full court in Vancouver. This is the second important round in a battle for the \$2,000,000 estate left by the late Alex. Dunsmuir. Last June evidence was heard in the longest single case ever heard in a court in this province. Mr. Justice Drake gave judgment for the defendant. From this decision the plaintiff is now appealing. The plaintiff on trial alleged that Alexander Dunsmuir was an habitual drunkard and that the will was bad, on the ground of the incapacity of the testator.

JAPS SEND CHALLENGE.

Want to Try Stanford University Team at Baseball.

Stanford University, Nov. 29.—A letter has been received from Waseda university, Japan, expressing a desire to arrange an international baseball match between Stanford and the Japanese university.

The Waseda university won the intercollegiate championship of Japan and is represented by a strong team. The Japanese prefer that the game take place at San Francisco. There is a strong probability that the match will be arranged.

JAPS NOW MAKING MIGHTY EFFORT TO REDUCE FORTS HELD BY RUSSIAN TROOPS

Assault on Port Arthur Is Being Pressed With Vigor and Severe Fighting Has Occurred There.

Offensive Forces Claim to Have Made Substantial Progress by Gaining Position That Commands Harbor, and Declare That Slavs Must Be Forced to Surrender Within Next Twenty-one Days.

London, Nov. 29.—According to a Tokio dispatch to the Standard, there is an unofficial rumor that the Japanese have hauled large caliber guns to the top of 203-Meter hill, whence the fire sweeps the whole harbor. This report doubtless goes beyond the facts; but various dispatches indicate the progress the Japanese are making in the reduction of Port Arthur. Japanese here explain the great importance of the capture of 203-Meter hill, which, besides giving command of the harbor, will serve to widen the breach made by the wedge the Japanese had previously driven between the Kit group and the Russians' last retreat in the ravines of Laoti mountain. They declare that the retreat to Laoti will be effectually cut off and that it is not unlikely Laoti will be simultaneously attacked in the final assault.

Bennett Burleigh wires the Daily Telegraph from Chefoo that in the last assault the Japanese lost 400 men in one hour's fighting. They claim to have captured two more northeastern forts and a third, which is part of West Kekwan fort. They claim, Burleigh adds, to have effected lodgment at Pigeon bay, thus turning the fort on 203-Meter hill, and are now tunneling from the gorge below Laoti hill, which they hope to first damage and then rush. The dispatch continues:

"Desperate fighting is proceeding daily and the losses are admitted to be excessive, but the Japanese insist that Port Arthur must fall within 21 days." The Morning Post's correspondent at Shanghai telegraphs that wireless communication has been re-established between the Russian consulate at Chefoo and the Port Arthur garrison.

HOPE FOR THE BEST.

Russians Believe Japs' Success Has Been Exaggerated.

St. Petersburg, Nov. 29.—Foreign reports of the fighting at Port Arthur are accepted very seriously. If the Japanese have taken 203-Meter hill, as reported, commanding the whole harbor, it is believed the situation is critical.

Experts on Port Arthur topography assert, however, that it is more likely the Japanese have occupied positions at the base of the hill, and believe that owing to the concentrated fire from the covered forts, the Japanese will find the top of the hill untenable if they arrive there.

JAP ATTACK ABANDONED.

This Report Says Invaders Have Been Compelled to Quit.

Berlin, Nov. 29.—A dispatch from Tokio to the Tagliche Rundschau reports that Japanese storming of Port Arthur was abandoned November 28, because, although large breaches were made in the Sungshu, Rihlung and Kekwan forts, the Japanese were unable to enter on account of the heavy fire from the other forts and the resistance of the garrison.

WARM CONTEST WAGED.

Reports From Port Arthur Are Rather Indefinite as Yet.

Chefoo, Nov. 29.—Chinese and Japanese advices received here today, while not beyond question, indicate the practical certainty that another general assault on Port Arthur began November 24, and was continuing November 27. It is certain that there has been severe fighting. The only question is whether the assault was sufficiently widespread to be called general. The fighting is with the object of capturing additional Russian trenches. The summit forts seemingly were not attacked. The Chinese say that one

train of 30 cars recently arrived at Port Dalny with injured men.

As frequently indicated, the Japanese position is most promising at Rihlung mountain and Kekwan mountain, and the latest attack was designed to further increase the power of these positions. A detachment of the eleventh division began the advance during the afternoon of November 24, following several days bombardment, rushing against the trenches guarding the approach to the southeast fort of the Kekwan mountain group, the Japanese artillery, in the meanwhile, throwing all the metal possible against the Rihlung mountain and Antsu mountain forts. The possession of trenches was stubbornly contested. After five hours' fighting and several repulses, the Japanese drove out the Russians and destroyed their trenches and succeeded in entrenching themselves behind sandbags, which their infantry carried. At 11 in the evening the Russians made a sortie, which the Japanese say they repulsed after two hours' fighting.

The Japanese at Port Dalny believe the attack became general, as men returning from the front, while not having seen the fighting, reported that heavy small-arm and machine-gun fire was almost constant at various parts of the line until November 27, when the last advances reached Port Dalny.

Another line of trenches more formidable than the ones destroyed lies between the Japanese and the forts.

Cossacks Defeat Japs.

With the Russian Forces, Shenkow, Nov. 29.—The fight of the Japanese with the Rennenkampff Cossacks, which began November 24, ended November 28. The Japanese were repulsed.

Severe Fight Reported.

Mukden, Nov. 29.—The activity of the Japanese against the Rennenkampff front continued November 28, culminating before noon in one of the severest fights in recent weeks.

NEW LAW ASKED FOR.

Commerce Commissioner's Old Powers Ought to Be Restored.

Washington, Nov. 29.—President Roosevelt has been urged by a delegation of state officials and business men to secure the passage of a law that would restore its old-time power to the interstate commerce commission. By a recent decision of the supreme court the commission is without jurisdiction over the freight business of the country—a control it held without question for ten years—and the president's callers declared that the business of the country in all lines would suffer severely unless the roads were curbed. Among those present at the conference were Governor Van Sant of Minnesota, Governor Cummins of Iowa, Edmund P. Bacon, chairman of the executive committee of the interstate commerce convention, which recently met in St. Louis, and a number of business men who believe their trade interests demand regulation of freight traffic. Governor La Follette of Wisconsin was to have been present at the conference, but was prevented from attending by pressing public business in his state. He will send his views to the president by letter. No definite decision was reached at the conference, the men present merely expressing their views and urging the president to take up the question in his message to congress and later press a bill embodying the subject so near to their hearts.

"The freight business hits every person in the land who buys or sells goods of any sort," said Mr. Bacon. "No business man is too small to be vitally affected, and the larger his interests the more he is bound to be interested. Governors Van Sant and Cummins were not present at the St. Louis convention, but they kindly consented to visit the president with us and lend their official presence to the conference to demonstrate the extent of the public interest in the case. The president did not indicate what he would do in the matter, but we are in hopes that he will take the question up at his leisure and do something to help the cause."

JUDGE SEARS IS CHOSEN.

Named as New President of Oregon Bar Association.

Portland, Nov. 29.—The following officers were today elected at the 14th annual session of the Oregon Bar Association to serve during the coming year:

President, Judge Alfred F. Sears, Jr.; secretary, Robert T. Platt; treasurer, Charles J. Schnabel.

Among the vice presidents are G. G. Bingham of Salem, C. W. Fulton of Astoria, C. W. Phelps of Heppner, C. J. Bright of Wasco, C. S. White of Baker City.

Russian Editor Says Recent Meeting Has Hurt Proposal.

St. Petersburg, Nov. 29.—Prince Meshchersky, editor of Crashdanin and the foremost spokesman of the autocracy, holds that the inauguration of such reforms as are at present possible in Russia is actually prejudiced by "the irresponsible agitation for a constitution which is now in progress." The autocracy he considers vital to the life and future greatness of Russia as a nation. Liberal reforms, he maintains, are necessary, but they can not be introduced except by autocracy.

FAMILY GROWING SMALLER.

Report of Society Shows Increase of One-Children Households.

New York, Nov. 29.—That the number of children in American families is decreasing was exemplified in the annual report of the Children's Aid Society, which has just been made public.

Founded 53 years ago, the most successful field of labor of this organization has been the placing of orphans and abandoned children in family homes in the country. Great difficulty was experienced in the earlier years of the work because in the farming districts the families were so large that there was little reason for the adoption of children.

"This demand for orphan children to adopt," says the report, "comes to us from all parts of the Union and exceeds the supply of children. This demand is becoming more and more insistent as the size of the American family increases. So many parents now have but one child and ask us for another as companion for the one."

"In most cases, however, the one or two children have grown old enough to leave the farm and have gone to the city and the old people are lonely without childish voices and active little feet to run errands about the farm, and gladly take one of our children, contracting with us to send them to school and in every way to treat them as their own."

C. Loring Brace, secretary of the Children's Aid Society, who prepared the report, said:

"It seems to me that the number of applications which this society has for children to adopt, is vitally significant. In the year we placed 464 orphans and abandoned children, for whom we had 2,000 applications. Those who wished to take children belonged to the farming communities of the great Middle West and to states still further west. A few were from the south."

"What impressed me was that in most of the applications although I cannot at the present time give exact statistics, the persons who wished to take children spoke of having only one child. There were of course, numerous cases where there were no children. It is to be supposed, of course, that persons with large families are not likely to adopt more children, yet it would seem that the number of families in which there has been only one child is larger than it has ever been. The condition first manifested itself five years ago."

"There has been a slight decrease in the number of charges which come under our care, owing to the development of church orphanages. We had a few less children in 1902 and a few more in 1903 than we had in the year just closed, yet the applications were in those years several times in excess of the number of children which we had to send. This year the number of applications is greater than ever."

CORBETT IS WHIPPED IN TEN ROUNDS

Battling Nelson Demonstrates His Mastery Over Denver Lad, Who Is Terribly Beaten and Bruised.

Fight Proves One of the Fastest Ever Witnessed by a San Francisco Crowd.

REFEREE STOPS THE BATTLE

Corbett Is Helpless When Tuthill Ends the Slaughter by Declaring Nelson the Victor—New Man for Britt to Tackle.

Woodward's Pavilion, San Francisco, Nov. 29.—In the greatest fight witnessed between little men in years, "Battling Nelson" of Chicago tonight won from Young Corbett of Denver in 10 rounds. From the tap of the gong until Corbett's seconds threw up the sponge, Nelson was master of the situation at every stage of the game. His in-fighting was a revelation and the most brilliant ever witnessed in any ring here. For the last three rounds Corbett was as helpless as a baby, but wobbled around bravely and gamely until repeated calls from around the house to stop the fight caused Harry Tuthill to enter the ring. The fight was over, and a new man is in line to vanquish Champion Britt.

The story of the fight is simply told. Both men showed extreme caution in the first round, there being an evident disposition to take each other's measure. Neither showed the slightest nervousness. In the second Nelson went right at his man, winning the cheers of the house. The milling was fast and Corbett looked a bit dazed, but wore a contemptuous smile. Corbett was bleeding at the nose when he went to his corner. Nelson surprised the house by his brilliant in-fighting.

Corbett was bleeding freely at the end of the third. The next two rounds showed some of the fastest milling seen in any ring. Nelson continually forced Corbett to the ropes, and beat him badly with short-arm blows.

The sixth was a furious round, which ended in Nelson beating Corbett all over the ring. Nelson kept up his work in the seventh, beating Corbett until his face was streaming with blood. In the eighth Nelson even outboxed the Denver lad. Corbett was all but out when the bell rang.

The ninth was a terrible round. Corbett withstood blow after blow with marvelous endurance.

"Keep away; keep away, and use judgment," his seconds kept repeating. But Corbett missed again and again. He seemed to lose judgment, strength and every quality which formerly gained him fame.

Not until the 10th was the butchering ended. Corbett wobbled around gamely, but as helpless as a lame duck. Harry Tuthill then jumped into the ring and a great yell went up from the crowd. The fight was over. Corbett was bathed in blood and, with a sickly smile, shook hands with the victor and then was helped out of the ring. Nelson looked strong and was unmarked.

No Honor for Dead Hero.

Cape Town, Nov. 29.—The body of Paul Kruger, former president of the Transvaal republic, arrived today almost unnoticed. The remains will lie in state here and leave for Pretoria December 7.

Case Will Not Be Reopened.

Bellingham, Nov. 29.—Judge Neterer of the superior court today refused a motion made to reopen the prosecution against the Pacific American Fisheries Company in the recent action filed by Prosecuting Attorney Healey against the fisheries company, alleging violation of the state laws in holding fish trap locations. The suit was dismissed. The motion was made today by Attorneys Dudley G. Wooten and John R. Reavis, with the result above noted.